

interim to look at the court cases that are pending on this proposal, to draft a bill that is tight, that is constitutional and which gets at the main problem and that is the head shops and it doesn't get at this broader overreaching, I think, effort to go far beyond that. I think people have been somewhat misled on this bill. My feeling when we introduced the bill late in the session, was that essentially it was to deal with head shops. Well since looking at the bill I have discovered it does much more than that and it deals with all kinds of possession and intent, penalties dealing with drug paraphernalia. It goes far beyond what I ever realized the bill was going to do and I helped introduce this bill, as a matter of fact. I was one of the thirty some folk that voted to suspend the rules and introduce this bill late in the session and I was criticized for that effort but I did it because I was concerned about the head shop problem but now I am finding out that the bill doesn't deal specifically with that issue. It is broader than that issue and it has many unconstitutional aspects to it. So my feeling is that we came in late with the bill. We have not fully discussed it. We suspended the rules and passed it as introduced on General File and debated it very little on Select File and here we are on Final Reading on the last day of the Legislature on a bill that I think is a major impact to the state, not really being sure of its impact, not being sure of its constitutionality and beyond those questions we have the situation where it has got the E clause on it. The bill, if passed and signed by the Governor, and I am sure that is what would happen, would take effect immediately and change completely our situation with these laws and I think that change coming so rapidly would cause some serious problems and I think you will see the law enjoined by the courts just as the Papillion ordinance has been and so my feeling is, let's take a look at the bill, let's look at the problems and come back next year with the right solution to the right problem and I ask for your support for this motion.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I also want to speak as strongly as I can to the question of the constitutionality of the bill. I have stated before on the floor and I will preface my remarks in this instance by stating again that I am in favor of banning drug paraphernalia so long as it does not impinge upon the legitimate rights and privileges of the citizens of this state and this country but I also feel quite strongly